

what is called a private right of action that allows a consumer to get their day in court if their rights are violated. I know that many entrepreneurs find these burdensome, so I wrote the private right of action clause such that it would only kick in if no Federal or State authority decides to act.

I also included exceptions in the bill to make it easier for parents to keep track of their children, for companies to protect against fraud and use location information that is anonymous, and for emergency responders to get to the scene of an accident without any redtape.

In fact, this bill does not cover law enforcement at all. It governs only what private companies do with our information, and what companies they share it with.

I am proud to have worked on this bill with my friend from Connecticut, Senator BLUMENTHAL. I am equally proud the bill has the support of the Center for Democracy and Technology, Consumers Union, Consumer Action, the National Association of Consumer Advocates, the National Consumers League, the National Women's Law Center, the National Center for Victims of Crime, the National Network to End Domestic Violence, and the Minnesota Public Interest Research Group.

This bill will bring us back to a better balance between the benefits of smartphone technology—and they are wonderful—and our right to privacy, which is basic. It was written with input from consumer advocates and industry alike. But even after today, I will continue to work with these groups to make sure our bill is getting that balance right. I look forward to those conversations.

Mr. FRANKEN. Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Ms. LANDRIEU. Madam President, I ask unanimous consent that the period of morning business be extended until 3:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FEMA

Ms. LANDRIEU. Madam President, I rise to bring to the Senate's and the Congress's attention a great challenge that we have before us relative to the budget of the Department of Homeland Security and, frankly, it is a challenge

facing the entire budget of the United States. That challenge is to make sure we have enough funding in the disaster emergency account to cover the multitude of disasters that have taken place this year since January, as well as those we are still recovering from in the past.

I will put up a chart to show, in dramatic fashion, that this is an unprecedented situation we are facing. Since January of this year, 36 States have had disasters declared. This may be the largest number of States in the shortest period of time, at least in recent memory, and potentially in history. This is a challenge to the budget because, as you know, under our law the Federal Government is by law—it attempts to be every day—a reliable and trustworthy partner for cities, towns, and States that have been devastated by tornadoes, wildfires, hurricanes, et cetera.

Most recently, our minds, our eyes, and our hearts have been focused on Missouri, with the terrible devastation to several of their cities—most notably Joplin. But we remember a few weeks ago the tornadoes that ripped through the southern part of the United States—in Alabama particularly, in Georgia, and in some parts of Arkansas; and there was flooding in other parts of the country as well.

This is what Mother Nature has brought to us. We cannot control that. But what we can control is how we respond to it. That is what I want to speak to today. I want to begin with a quote from David Maxwell from the Arkansas Department of Emergency Management. He said this in the Washington Post on April 30:

Anything that we've asked for, they've gotten us.

He was referring to FEMA.

Gregg Flynn, a spokesman with the Mississippi Emergency Management Agency, said Fugate and FEMA "are unbelievably proactive towards the states. They don't wait for things to happen. By the time the storm is out of the way, they want to know what we need."

This is very good testimony, because many of us, including the occupant of the chair, have worked hard to make a better, stronger, more proactive FEMA. In large measure, we have accomplished that, although there are still challenges for that agency. The biggest challenge right now is that unless the Senate, the House, and the President do something differently, we are not going to have the money we need to take care of these disasters.

So for people on the ground, like David Maxwell in Arkansas, and Gregg Flynn in Mississippi, and whether it is Paul Rainwater, a CEO from my State who is still struggling in the aftermath of Katrina and Rita 6 years ago, we are going to literally run out of money in the disaster emergency relief fund in January of this year.

Let me put up a chart to show the challenge that is before us. The Presi-

dent requested \$1.8 billion, which is a reasonable request based on past averages of disasters, which we are prepared to budget in the base budget of Homeland Security. Unfortunately, the estimate of the low end of these disasters—again, there were 36 since January 1, and disasters happen in all 50 States—the estimate is that we need \$3.8 billion at the low end, and at the high end it is \$6.6 billion. So between \$3.5 billion and \$6.5 billion is required. But we have budgeted only \$1.8 billion in the base of Homeland Security.

As chair of this committee, I can tell you that our committee cannot absorb in its base the entire weight and cost of these disasters. The Homeland Security budget has never in its history absorbed 100 percent. We do a rough and good-faith estimate of what it might be, but these are exceeding even our expectations of what the disasters would be. Of course, no one is in a position to be able to foretell the future. Our Secretary of Homeland Security brought a great deal of skill and expertise as a former Governor, an excellent manager, and all the prerequisite academic credentials, but she didn't show up on this job with a magic wand and a fortune teller's globe. She doesn't have those tools available to her to be able to see into the future every disaster and what kinds of disasters are going to happen to the country. All we can come forward with is a good-faith estimate, which we did, at \$1.8 billion.

The reason I come here today is to say there is a gap that must be filled. I am strongly recommending that this Congress fund this off budget in an emergency line item, which is what we have done 95 percent of the time in the last 40 years. Since 1992, \$110 billion of the \$130 billion appropriated to the DRF has been emergency spending. These events are unpredictable. You cannot plan for it. We must respond by law. If we don't, then projects all over this country will shut down.

I remind everyone that they are projects that create jobs—not only do they restore hope and rebuild communities, but the projects create jobs. To list a few of them, there are the repairs for two very important roads in Hawaii, which could potentially be stopped; sewer line repairs at a pump station replacement in Gary, IN; the townhall in the village of Gulfport, which hasn't been rebuilt since the storm, for 6 years, which is under construction—that could be halted. That is a dozen or more jobs in that small town of Gulfport. Those are not big numbers nationally, but that is important to that city. There is an elementary safe room being built in Kansas now. That is a few jobs there, but it is important to the couple of hundred schoolchildren who were terrorized by tornadoes sweeping through that area. I can go on and on. In Missouri, the Polk County bridge collapsed, which is very inconvenient for people having to cross that every day. I am not personally familiar with it, but I can imagine

the difficulty families are going through who were used to having access to the river.

I can list hundreds of projects that literally stop in their tracks if we don't figure this out. My strong recommendation is that we do what we have always done, which is appropriate and fund real emergencies. It is not appropriate to do off budget things you should have budgeted for but failed to do it. That is not an emergency; that is bad planning.

I think I am a pretty good chairman of this committee. I know Secretary Napolitano is an excellent Administrator of Homeland Security. There is nothing we can give her to make it humanly possible to predict disasters and the magnitude of their destruction. That is impossible. Again, we have to figure out a way to budget for this that is responsible and, I say, put a good-faith effort, or average in your budget, and then anything that occurs, do it in addition to that off budget, in an emergency.

Another reasonable suggestion that has met with resistance—and I can understand why—would be to take a percentage decrease against all the budgets of the Federal Government and say we wanted to spend this money but we had these disasters and we absorb it governmentwide.

I can promise you that the last and worst thing—and one that can happen because I will oppose it vigorously, and so will many others—is taking the entire amount of the DRF, the disaster relief fund, out of the Homeland Security budget, because then you put the country in a position where you are underfunding planning for the future, lowering your defenses against real terrorist attacks that could potentially happen to the country, because you are funding for disaster levels that we were unable to plan for—for obvious reasons.

We cannot undermine the security of our Nation or weaken the entire Homeland Security Department budget because of an unusual natural occurrence over which we have no control and no foreknowledge of. There may be other solutions that I haven't thought of.

Another would be very helpful if the President himself, knowing these numbers—they come from his own executive agencies, which are tabulating these numbers—were to send us an emergency supplemental. I have sent him several letters requesting that he send to the Congress an emergency supplemental to cover this gap. If he doesn't do that, Congress has the power to act, and I will be making a recommendation in the Appropriations Committee to fill this gap.

What is not acceptable is to try to absorb this entire gap in the Homeland Security budget, which will leave our country in a very weakened position in terms of preparing for future disasters and potential terrorist attacks.

Might I remind everyone that hurricane season just started on June 1. It is now June 15. We are 15 days into the

hurricane season. We don't know what the season will bring.

There may be other alternatives to closing this gap, but it is very, very important. I am going to start work on this vigorously with my ranking member, Senator COATS, to see what we can recommend, potentially jointly, I would hope.

Again, I would like to put up this chart because this reflects just about every Senator's State, from Washington to Texas, to Nebraska, to North Carolina, to Florida, to Georgia, Arizona. Montana will be green shortly, and so will Vermont because there are disasters underway. So put your thinking caps on. We need to come up with a way to fund these disasters, and it is going to be a big challenge as we start our appropriations process.

I am going to submit more technical information for the RECORD, but, again, we don't have magic wands and crystal balls in the Department of Homeland Security. We have a lot of tools there to protect our country and to build after disasters, but magic wands and crystal balls are not available. So we have to come up with a way to close this gap that makes sense. I trust that over the next couple of weeks and months we will be able to do that.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I ask that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

#### UNEMPLOYMENT

Mr. DURBIN. Mr. President, 2 weeks ago there was an economic disclosure about the number of people gaining jobs in America. The good news is it was on the positive side of the ledger, more jobs being created. The bad news is it was not nearly enough and not fast enough. Even though these jobs are being created in the private sector, we still know too many Americans are out of work.

There are 13.9 million Americans unemployed. That is a little over 9 percent of all Americans actively seeking work. Worse, nearly 25 million Americans are underemployed. People working part time when they want to work full time are taking a job that pays a fraction of what they earned in previous employment. That is 15.8 percent of all Americans who would like to work full time but cannot do it. That is not a problem for these families, it is a crisis, and every minute we ignore it is a minute not spent well by this body.

A year ago it became increasingly clear there was little appetite in Washington moving toward job creation. When the President was elected, he was greeted on the day he was sworn in by

news that that month—and the following month—we had lost some 700,000 jobs in America. What we had had 8 years before, a surplus and booming economy, had hit the skids and people were losing jobs, businesses were failing, and people felt it in their savings accounts and IRAs all across America. The President tackled that, and I joined him, with many others, to try to infuse in this economy the kind of spending that would build things, create jobs, and turn this economy around.

We believe it was successful but only partially successful. Then at the end of last year, the President joined on a bipartisan basis with Members of Congress to extend the tax cuts in an effort to try to infuse that money into the economy so people would have more to spend.

Now, many of us took exception with the menu of tax cuts because they included tax cuts for the wealthiest people in America at a time when we are facing record deficits. It is hard to understand, let alone justify, a tax cut for a wealthy person as necessary for economic growth. Most of the people who receive those tax cuts would not turn around and spend them on goods and services. They might invest or bank them—invest overseas, for that matter. But that was the recipe. We went through spending and economic stimulus. Then, last year, we went into tax cuts as a stimulus and, still, we are not moving forward as quickly or as wholesomely as we would like.

#### THE DEFICIT

I spent the past year focusing on one aspect of this; that is, our Nation's deficit. I was appointed to the President's commission—the Bowles-Simpson commission—which took a look at this deficit, and for 10 months we studied it. It is a daunting challenge. It reflects patterns of spending and taxing which now have us in a terrible state, with a lot of red ink. Roughly 14 percent of our gross domestic product is generated each year at the Federal level in revenue—taxes. We spend 24 percent of the gross domestic product of our country in Federal spending. That difference—14 percent of revenue, 24 percent of spending, a 10-percent difference—represents the annual deficit we face in the United States of America.

The Commission sat down and said there is only one way to tackle this—and I agree with the premise. We need to do it together, Democrats and Republicans, which reflects the political reality of the Congress, but we need to do something that isn't altogether politically popular. We need to put everything on the table. So we did.

The Bowles-Simpson commission suggested every aspect of government spending be brought to the table. That is a much more balanced approach than the debate we went through a few months ago over the continuing resolution—that short-term spending bill. That debate focused on 12 percent of our budget. There is only so far we can